

EXHIBIT 2

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<div>Page 1</div> <div>UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA</div> <div>In Re: Bair Hugger Forced Air Warming Products Liability Litigation</div> <div>This Document Relates To: All Actions MDL No. 15-2666 (JNE/FLM)</div> <div>DEPOSITION OF JONATHAN BORAK VOLUME I, PAGES 1 - 251 JULY 20, 2017</div> <div>(The following is the deposition of JONATHAN BORAK, taken pursuant to Notice of Taking Deposition, via videotape, at the Marriott Hartford Downtown, 200 Columbus Boulevard, Hartford, Connecticut, commencing at approximately 8:09 o'clock a.m., July 20, 2017.)</div>	<div>Page 3</div> <div>INDEX</div> <table><thead><tr><th>EXHIBITS</th><th>DESCRIPTION</th><th>PAGE MARKED</th></tr></thead><tbody><tr><td>Ex 1</td><td>Expert report of Jonathan Borak</td><td></td></tr><tr><td></td><td>Borak</td><td>7</td></tr><tr><td>2</td><td>Borak curriculum vitae</td><td>8</td></tr><tr><td>3</td><td>Jonathan Borak & Company website download</td><td>39</td></tr><tr><td>4</td><td>Article, Mortality Disparities in Appalachia, by Borak, et al</td><td>46</td></tr><tr><td>5</td><td>E-mail sent September 06, 2002</td><td>54</td></tr><tr><td>6</td><td>Exhibit B to Borak's expert report</td><td>61</td></tr><tr><td>7</td><td>Kurz deposition excerpt, January 12, 2017</td><td>76</td></tr><tr><td>8</td><td>E-mail, 3M00580475</td><td>90</td></tr><tr><td>9</td><td>510(k) Summary of Safety & Effectiveness, January 10, 1996, 3MBH00047382-3</td><td>94</td></tr><tr><td>10</td><td>E-mail string, 3MBH00024633-4</td><td>113</td></tr><tr><td>11</td><td>E-mail string, 3MBH00544754-5</td><td>119</td></tr><tr><td>12</td><td>E-mail string, 3MBH00132501-2</td><td>124</td></tr><tr><td>13</td><td>E-mail string, 3MBH00130429-32</td><td>126</td></tr><tr><td>14</td><td>E-mail string, 3MBH01330587-92</td><td>128</td></tr><tr><td>15</td><td>Article, Return to theatre following total hip and knee replacement, before and after the introduction of rivaroxaban, by Jensen, et al</td><td>145</td></tr><tr><td>16</td><td>Article in Health Devices, Force-Air Warming and Surgical Site Infections</td><td>154</td></tr><tr><td>17</td><td>Article, Wound Complications Following Rivaroxaban Administration, by Jameson, et al</td><td>154</td></tr><tr><td>18</td><td>Reed deposition transcript, December 4, 2016</td><td>161</td></tr><tr><td>19</td><td>Article, Chlorhexidine-Alcohol versus Povidone-Iodine for Surgical-Site Antisepsis, by Darouiche, et al</td><td>170</td></tr><tr><td>20</td><td>Article, Preventing Surgical-Site Infections in Nasal Carriers of Staphylococcus aureus, by Bode, et al</td><td>175</td></tr><tr><td>21</td><td>Article, Effects of preoperative warming on the incidence of wound infection after clean surgery: A randomised controlled trial, by Melling, et al</td><td>190</td></tr><tr><td>22</td><td>Article, Prophylactic antibiotics</td><td></td></tr></tbody></table>	EXHIBITS	DESCRIPTION	PAGE MARKED	Ex 1	Expert report of Jonathan Borak			Borak	7	2	Borak curriculum vitae	8	3	Jonathan Borak & Company website download	39	4	Article, Mortality Disparities in Appalachia, by Borak, et al	46	5	E-mail sent September 06, 2002	54	6	Exhibit B to Borak's expert report	61	7	Kurz deposition excerpt, January 12, 2017	76	8	E-mail, 3M00580475	90	9	510(k) Summary of Safety & Effectiveness, January 10, 1996, 3MBH00047382-3	94	10	E-mail string, 3MBH00024633-4	113	11	E-mail string, 3MBH00544754-5	119	12	E-mail string, 3MBH00132501-2	124	13	E-mail string, 3MBH00130429-32	126	14	E-mail string, 3MBH01330587-92	128	15	Article, Return to theatre following total hip and knee replacement, before and after the introduction of rivaroxaban, by Jensen, et al	145	16	Article in Health Devices, Force-Air Warming and Surgical Site Infections	154	17	Article, Wound Complications Following Rivaroxaban Administration, by Jameson, et al	154	18	Reed deposition transcript, December 4, 2016	161	19	Article, Chlorhexidine-Alcohol versus Povidone-Iodine for Surgical-Site Antisepsis, by Darouiche, et al	170	20	Article, Preventing Surgical-Site Infections in Nasal Carriers of Staphylococcus aureus, by Bode, et al	175	21	Article, Effects of preoperative warming on the incidence of wound infection after clean surgery: A randomised controlled trial, by Melling, et al	190	22	Article, Prophylactic antibiotics	
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<div>Page 2</div> <div>APPEARANCES:</div> <div>On Behalf of the Plaintiffs:</div> <div>Jan M. Conlin</div> <div>CIRESE CONLIN L.L.P.</div> <div>225 South 6th Street, Suite 4600</div> <div>Minneapolis, Minnesota 55402</div> <div>On Behalf of Defendants:</div> <div>Corey L. Gordon</div> <div>BLACKWELL BURKE P.A.</div> <div>431 South Seventh Street, Suite 2500</div> <div>Minneapolis, Minnesota 55415</div> <div>ALSO APPEARING:</div> <div>Ronald M. Huber, Videotechnician</div>	<div>Page 4</div> <div>replacement, before and after the introduction of rivaroxaban, by Jensen, et al 145</div> <div>Article in Health Devices, Force-Air Warming and Surgical Site Infections 154</div> <div>Article, Wound Complications Following Rivaroxaban Administration, by Jameson, et al 154</div> <div>Reed deposition transcript, December 4, 2016 161</div> <div>Article, Chlorhexidine-Alcohol versus Povidone-Iodine for Surgical-Site Antisepsis, by Darouiche, et al 170</div> <div>Article, Preventing Surgical-Site Infections in Nasal Carriers of Staphylococcus aureus, by Bode, et al 175</div> <div>Article, Effects of preoperative warming on the incidence of wound infection after clean surgery: A randomised controlled trial, by Melling, et al 190</div> <div>Article, Prophylactic antibiotics</div>																																																																								

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Page 5				Page 7			
1	in elective hip and knee			1	PROCEEDINGS		
2	arthroplasty, by Hickson, et al	193		2	(Witness sworn.)		
3	23 Article, Implementing effective			3	JONATHAN BORAK		
4	SSI surveillance, by Gillson,			4	called as a witness, being first duly sworn,		
5	et al	195		5	was examined and testified as follows:		
6	24 Article, Surveillance of surgical			6	ADVERSE EXAMINATION		
7	site infections in NHS hospitals			7	BY MS. CONLIN:		
8	in England, 2015/16	198		8	Q. Good morning, Professor Borak. Is it --		
9	25 Article, Staphylococcus aureus			9	Do you go by Dr. Borak or Professor Borak?		
10	Screening and Decolonization in			10	A. I -- I guess I'm more comfortable with		
11	Orthopaedic Surgery and Reduction			11	doctor.		
12	of Surgical Site Infections, by			12	Q. Okay.		
13	Chen, et al	203		13	A. I've been a doctor for longer.		
14	26 Centers for Disease Control and			14	Q. Can you spell your last name for the record,		
15	Prevention Guidelines for the			15	please -- or actually your full name.		
16	Prevention of Surgical Site			16	A. Jonathan, J-o-n-a-t-h-a-n, Benjamin,		
17	Infection, 2017	204		17	B-e-n-j-a-m-i-n, Borak, B-o-r-a-k.		
18	27 McGovern deposition excerpt,			18	MS. CONLIN: We can mark that. Do you want		
19	January 4, 2017	215		19	a copy?		
20	28 McGovern deposition excerpt,			20	MR. GORDON: Are you using new numbering		
21	January 5, 2017	230		21	for --		
22	29 Nachtsheim deposition excerpt,			22	MS. CONLIN: Yeah. We'll go with Borak		
23	November 29, 2016	236		23	Exhibit 1.		
24	30 Article, The Environment and			24	(Exhibit 1 was marked for		
25	Disease: Association or			25	identification.)		
Page 6				Page 8			
1	Causation? by Hill	239		1	BY MS. CONLIN:		
2				2	Q. I've handed you a copy of -- or what's been		
3				3	marked as Borak Deposition Exhibit No. 1. Is that		
4	WITNESS EXAMINATION BY PAGE			4	your expert report in this case?		
5	Jonathan Borak Ms. Conlin	7		5	A. That is correct.		
6	Mr. Gordon	240		6	Q. And --		
7	Ms. Conlin	245		7	(Exhibit 2 was marked for		
8	Mr. Gordon	246		8	identification.)		
9	Ms. Conlin	247		9	BY MS. CONLIN:		
10				10	Q. I've handed you, Dr. Borak, what's been		
11				11	marked as Borak Deposition Exhibit No. 2. Is this a		
12				12	copy of your CV?		
13				13	A. I'm sorry, what was your question?		
14				14	Q. Is this a copy of your CV?		
15				15	A. Yeah. There's several more recent		
16				16	publications.		
17				17	Q. Okay. Do you want to, if you know, name		
18				18	those, please.		
19				19	A. The names are long. They both have to do		
20				20	with elemental mercury exposure. They have just been		
21				21	published in the last week in Critical Reviews in		
22				22	Toxicology.		
23				23	Q. Okay. Other than those additions, to the		
24				24	best of your knowledge is Exhibit 2 correct and		
25				25	accurate?		

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<p>1 correct?</p> <p>2 A. It was my opinion that the man's cigarette</p> <p>3 smoking and long history that predated the World Trade</p> <p>4 Center explained his complaints.</p> <p>5 Q. Okay. And what was your -- subject matter</p> <p>6 of your testimony in Cabot Corporation?</p> <p>7 A. I -- I already alluded to that. That had to</p> <p>8 do with the adjudication in terms of the insurance</p> <p>9 coverage for -- between two companies.</p> <p>10 Q. And what was the particular chemical of</p> <p>11 concern?</p> <p>12 A. The issue had to do with if one could get</p> <p>13 coal miner's pneumoconiosis in the absence of silica.</p> <p>14 Q. And in that case you concluded that the --</p> <p>15 that he can't; correct?</p> <p>16 (Discussion off the stenographic record.)</p> <p>17 A. Yes. My conclusion was that the absence of</p> <p>18 silica, that -- no, let me turn it the other way --</p> <p>19 that the presence of silica contributed to the</p> <p>20 formation of pneumoconiosis.</p> <p>21 Q. Okay. And how about in the final case,</p> <p>22 Secretary of Labor (MSHA) versus Klondex Midas, which</p> <p>23 side were you on in this case?</p> <p>24 A. I -- I was involved with Klondex Midas, and</p> <p>25 the case concerned whether medical causes of loss of</p>	<p>1 question.</p> <p>2 A. I -- I don't object to his use of the</p> <p>3 sufficient component cause model. I raise concerns at</p> <p>4 the end of this section of my report and we could</p> <p>5 address that specifically. Now it's not only the</p> <p>6 conclusion, there was something in the method that I</p> <p>7 had a problem with.</p> <p>8 Q. Okay. But the sufficient component</p> <p>9 causation methodology is well established and accepted</p> <p>10 amongst epidemiologists.</p> <p>11 A. I -- I think probably. I -- I don't --</p> <p>12 I'm not objecting to that.</p> <p>13 Q. Okay. And in fact you went through the same</p> <p>14 framework in connection with responding to Dr. Samet's</p> <p>15 report; correct?</p> <p>16 A. Well I probably would have done that to be</p> <p>17 responsive to Dr. Samet. I don't know if I would have</p> <p>18 done it otherwise.</p> <p>19 Q. Okay. But you did in fact use the same</p> <p>20 framework. You didn't employ a different framework --</p> <p>21 A. No. No.</p> <p>22 Q. -- in connection with responding; correct?</p> <p>23 A. Yes, that's correct I think.</p> <p>24 Q. Okay. Would you agree with me that when</p> <p>25 you're looking at epidemiology, that drawing causal</p>
Page 66	Page 68
<p>1 consciousness had been addressed and considered by a</p> <p>2 coroner and others.</p> <p>3 Q. And what did you opine in that case?</p> <p>4 A. I agreed with statements from the coroner</p> <p>5 that she had not looked for such causes and could not</p> <p>6 render such an opinion.</p> <p>7 Q. Now you talk in your expert report about</p> <p>8 sufficient component causation; correct?</p> <p>9 A. Yes. I think I spoke to it in the context</p> <p>10 of Dr. Samet's report.</p> <p>11 Q. Right. And you'd agree with me that it's a</p> <p>12 well accepted methodology in epidemiological studies;</p> <p>13 correct?</p> <p>14 A. I accept the concept.</p> <p>15 Q. Yeah. And in fact it was first espoused by</p> <p>16 Dr. Rothman; correct?</p> <p>17 A. I looked at it in Dr. Rothman's writings as</p> <p>18 a result of Dr. Samet citing that, yes.</p> <p>19 Q. And you'd agree with me Dr. Rothman is one</p> <p>20 of the leading minds in epidemiology.</p> <p>21 A. I think Dr. Rothman is a leading mind in</p> <p>22 epidemiology.</p> <p>23 Q. So you don't take issue with Dr. Samet's</p> <p>24 methodology, just his conclusions; correct?</p> <p>25 MR. GORDON: Object to the form of the</p>	<p>1 inferences after finding association requires</p> <p>2 judgment?</p> <p>3 A. Judgment is part of the requirements, yes.</p> <p>4 Q. Okay. Would you agree with me that although</p> <p>5 the drawing of causal inferences is informed by</p> <p>6 scientific expertise, it is not a determination that</p> <p>7 is made using an objective or algorithm -- algorithmic</p> <p>8 methodology?</p> <p>9 A. It is not necessarily.</p> <p>10 Q. What do you mean by "it is not necessarily."</p> <p>11 A. Well read me back your question and I'll</p> <p>12 answer your second question. You asked me do I agree</p> <p>13 that it is not, and I -- my answer was it was not</p> <p>14 necessarily.</p> <p>15 Q. Okay. Would you agree, quote, "Although the</p> <p>16 drawing of a causal in" -- strike that. Let me start</p> <p>17 over.</p> <p>18 Would you agree with me, quote, "Although</p> <p>19 the drawing of causal inferences is informed by</p> <p>20 scientific expertise, it is not a determination that</p> <p>21 is made using an objective or algorithmic</p> <p>22 methodology," end quote?</p> <p>23 A. Yes. It is not necessarily based upon such</p> <p>24 an algorithmic approach.</p> <p>25 Q. Would you agree with me that, quote,</p>

17 (Pages 65 to 68)